CONFERENCE ON DISARMAMENT

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LETTER DATED 3 JUNE 1993 FROM THE HEAD OF THE SWEDISH DELEGATION ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A DRAFT COMPREHENSIVE TEST-BAN TREATY

I have the honour to send you, enclosed, a draft Comprehensive Test-Ban Treaty, which will be introduced in the Conference on Disarmament and in the Ad Hoc Committee on a Nuclear Test Ban today. It should be noted that two protocols to the Treaty are to be added later on.

I should be grateful if the draft Treaty could be issued as an official document of the Conference as well as a Working Paper in the Ad Hoc Committee and translated into all the official languages.

(Signed) Lars Norberg
Ambassador
Head of the Swedish Delegation
to the Conference on Disarmament

GE.93-61035 (E)

DRAFT COMPREHENSIVE NUCLEAR TEST-BAN TREATY

The States Parties to this Treaty, hereinafter referred to as the "States Parties",

Convinced that recent fundamental international political changes provide opportunities to take further effective measures against the proliferation of nuclear arms,

Welcoming the conclusion of the START I and START II agreements, envisaging drastic reductions in present strategic nuclear arsenals,

Underlining the importance of the prompt implementation of these and other international disarmament and arms regulation agreements,

Stressing the need for further reductions of tactical and strategical nuclear weapons and their delivery systems,

Declaring their intention to undertake further measures towards nuclear disarmament and against the proliferation of nuclear weapons,

Recalling the determination expressed by the Parties in the Preamble to the 1963 Treaty Banning Nuclear-Weapons Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, and to continue negotiations to this end,

Recalling that the Parties in the above-mentioned Treaty undertake to prohibit, to prevent and not to carry out any nuclear-weapon test explosion, or any other nuclear explosion in the atmosphere, in outer space and under water,

Convinced that a ban on all nuclear-weapon test explosions, and any other nuclear explosions, is an important instrument in preventing the further proliferation of nuclear weapons,

Have agreed as follows:

Article I

Basic Obligations

1. Each State Party undertakes to prohibit, to prevent, and not to carry out, in any environment, any nuclear-weapon test explosion, or any other nuclear explosion at any place under its jurisdiction or control.

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, assisting, permitting or in any way participating in the carrying out anywhere of any nuclear explosion referred to in paragraph 1 of this Article.

Article II

Implementation

1. The States Parties, in order to achieve the objectives of the Treaty and to ensure the implementation of the provisions of the Treaty, entrust the International Atomic Energy Agency, hereinafter referred to as the "Agency", with verification of compliance with the Treaty, as defined in Article III B.

2. The States Parties undertake to cooperate in good faith with the Agency in the exercise of its functions in accordance with this Treaty.

3. In order to fulfil its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Agency upon entry into force of the Treaty for such a State Party. The National Authority shall serve as the national focal point for liaison with the Agency and with other States Parties.

4. Each State Party undertakes to take any measures it considers necessary to prohibit and prevent any activity in violation of the provisions of the Treaty anywhere under its jurisdiction or control.

5. Each State Party shall inform the Depositary of the legislative and administrative measures taken to implement the Treaty.

Article III

International Cooperation

A. States Parties

1. Each State Party undertakes to cooperate in good faith with each other and the Agency to facilitate the verification of compliance with this Treaty through:

- international exchange of seismological data;
- international exchange of measurements on radionuclides in the atmosphere;
- additional relevant techniques, as specified in Protocol I, annexed to this Treaty.

The arrangements for these international cooperative measures are laid down in Protocol I.

Each State Party undertakes to establish the necessary facilities to participate in these cooperative measures and through its National Authority to establish the necessary communication channels with the Agency. These arrangements shall be operative on the entry into force of this Treaty.

2. Large non-nuclear explosions carried out by a State Party shall be conducted in accordance with provisions laid down in Protocol II, annexed to this Treaty.

B. The Agency

In the exercise of its functions in accordance with this Treaty, the Agency shall:

- coordinate international cooperative arrangements to exchange seismological data, data on radionuclides in the atmosphere and other data relevant to the monitoring of compliance with the Treaty;
- endeavour, through cooperation with the National Authorities of the States Parties and through other means, to clarify that no inconsistencies occur with regard to events relevant to compliance with the Treaty;
- verify, when inconsistencies are not clarified, compliance with the Treaty through on-site inspection in accordance with Article IV.

Article IV

Verification

1. Each State Party shall, in order to assist in the interpretation of an event that may be of relevance to the Treaty and has occurred at any place under its jurisdiction or control, provide such additional information that the Agency might request.

2. Each State Party may use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law to verify compliance with the Treaty.

3. If the nature of an event cannot be clarified through the measures specified in paragraphs 1 and 2 of this Article, each State Party is entitled to request an on-site inspection on the territory of any other State Party for the purpose of ascertaining whether or not a specified event was a nuclear explosion. The requesting State Party shall state the reasons for its request, including the evidence available. Such requests shall be addressed to the Director-General of the Agency, who shall bring the matter to the attention of the Board of Governors of the Agency.

4. If the Board of Governors decides to conduct an on-site inspection, the relevant State Party is under obligation to comply with the Board's decision. Such inspections shall be conducted by the Agency, and the result shall be

reported to the Board of Governors and all States Parties. The Board of Governors shall report any findings to the Security Council of the United Nations. Procedures for such inspections, including the rights and functions of the inspecting personnel, are laid down in Protocol II.

5. A State Party, on whose territory an event has occurred, may invite the Agency to conduct an on-site inspection.

Article V

Complaints

Any State Party which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty, may lodge a complaint with the Security Council of the United Nations. Such a complaint shall include all possible evidence confirming its validity.

Article VI

Privileges and Immunities

1. The States Parties to this Treaty shall grant privileges and immunities to the representatives of States Parties and the Director-General and the personnel of the Agency in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961 in order to enable them to carry out the functions entrusted to them under this Treaty.

2. Provisions regarding privileges and immunities in connection with on-site inspections are contained in Protocol II.

Article VII

Annexes

The Protocols I and II to this Treaty constitute integral parts of the Treaty.

Article VIII

Amendments

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to the Treaty or to any annexed Protocol. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and seek their views on whether a conference should be convened to consider the proposal. If a majority, that shall not be less than thirty of the States Parties, including the nuclear-weapon States, so agree, the Depositary shall promptly convene a conference to which all States Parties shall be invited. The Conference may adopt amendments proposed, if a

majority of the States Parties present and voting, including the nuclear-weapon States, so agree. Amendments shall enter into force for each Party accepting them upon their adoption by the Conference and thereafter for each remaining Party on the date of acceptance of the amendments by such a Party.

2. Proposals for amendments of provisions of a technical nature to be specified in Protocols I and II will be subject to a simplified amendment procedure conducted and decided by the Board of Governors of the Agency.

Article IX

Review of the Treaty

Five years after the entry into force of this Treaty, or earlier if it is requested by a majority of the States Parties to the Treaty by submitting a proposal to this effect to the Depositary, a conference of States Parties to the Treaty shall be held at ....., to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any new scientific and technological developments relevant to the Treaty. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article X

Entry into force

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by Signatory States.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by 40 Governments, including the nuclear-weapon States. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

4. For those States who instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

Article XI

Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive the instruments of ratification and instruments of accession.

2. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Treaty and of any amendments thereto, any notice of withdrawal, and the receipt of other notices. He shall also inform the Security Council of the United Nations of any notice of withdrawal.

3. This treaty shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Article XII

Duration and Withdrawal

1. This treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.

2. Withdrawal shall be effected by giving notice twelve months in advance to the Depositary who shall circulate such notice to all other Parties.

Article XIII

Official Languages

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Treaty.

Protocol I

(to be added)

Protocol II

(to be added)